**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**O. O. C. J.**

NOTICE OF MOTION NO.4391 OF 2007
IN
SUIT NO.2832 OF 1997

M/s.Hermes Travel & Cargo Pvt.Ltd. ...Plaintiff.
Vs.
Hindustan Trading Co. ...Defendant.
And
The Lakshmi Vilas Bank Ltd. ...Applicant.
And
Court Receiver, High Court, Bombay. ...Respondent.
....
Mr. Salil Shah with Ms.V. Mirashi i/b. M/s. Desai & Diwanji for the Applicant.
.....

**CORAM :DR.D.Y.CHANDRACHUD, J.**
November 30, 2007.

**P.C.**:

At the hearing of the Notice of Motion, Counsel appearing on behalf of the Applicant states that the only relief, the Applicant-Bank presses in the Notice of Motion is that no moneys should be disbursed to the Plaintiff until the Applicant is duly heard on a report of the Court Receiver and the question of priorities as between the

Applicant and the Plaintiff is duly determined by the Court. The aforesaid request is fair and proper. In the circumstances, the Court Receiver shall furnish a prior notice to the Applicant before seeking any directions from the Court in regard to the confirmation of sale and the disbursement of the proceeds of the sale. At that stage, it is needless to add, that the Applicant would be heard on the question of priorities as between the Applicant and the Plaintiff. In view of the aforesaid order, Learned Counsel for the Applicant seeks the permission of the Court to withdraw the Notice of Motion. The Notice of Motion is accordingly dismissed as withdrawn.

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